

of the salary of the ex-officio superintendent of public instruction in all counties having not less than six thousand, eight hundred (6,800) and not more than six thousand, nine hundred (6,900) population, according to the last preceding Federal census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DUGGAN, Chairman.

Committee Room,
Austin, Texas, April 25, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 4, A bill to be entitled "An Act to amend Chapter 210, Acts of the Regular Session of the Forty-first Legislature, empowering the State Text Book Commission to adopt a multiple list of text books in German and Czech languages for use in high schools; commercial arithmetic, and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said commission; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DUGGAN, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on Educational Affairs, Held April 25, 1935.

Called Meeting.

Present: Duggan, DeBerry, Cotten, Hornsby, Neal, Pace, Poage, Small and Woodruff.

Absent: Burns, Hopkins and Regan.

H. B. No. 228 was reported out favorably by viva voce vote.

H. B. No. 496 was reported out favorably by viva voce vote.

H. B. No. 580 was reported out favorably by viva voce vote.

H. B. No. 807 was reported out favorably by viva voce vote.

H. B. No. 827 was reported out favorably by viva voce vote.

H. B. No. 4 was reported out favorably by viva voce vote.

JUANITA WILES,
Secretary.

Minutes of Committee on Insurance,
Held 7:30 P. M., April
24, 1935.

Called Meeting.

Present: Collie, DeBerry, Holbrook, Isbell, Pace, Shivers, Sulak, Westerfeld and Woodruff.

Absent—excused: Cotten, Moore, Poage and Rawlings.

The Chair laid before the committee H. B. No. 176, which had been set for special order. Senator Holbrook offered two amendments, which were suggested by Mr. Raymond Mauk, Fire Insurance Commissioner. Senator Holbrook moved the adoption of the amendments. Motion lost by viva voce vote. Senator Woodruff offered an amendment, and moved its adoption. Motion lost by viva voce vote. Senator Woodruff moved to reconsider. Motion lost by the following vote: Yeas—Holbrook and Woodruff; nays—Isbell, DeBerry, Pace, Shivers, Sulak and Westerfeld. Senator DeBerry moved that H. B. No. 176 be reported favorably with recommendation that it do pass. Senator Holbrook moved as substitute that H. B. No. 176 be reported unfavorably with recommendation that it do not pass. Substitute motion lost by viva voce vote. Motion of Senator DeBerry was adopted by viva voce vote.

ANNA MAY CULLEN,
Secretary.

FIFTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
April 26, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present:

Beck.	• DeBerry.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
Davis.	Hornsby.

Isbell.	Regan.
Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Seneator DeBerry.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Motion to Suspend Rule.

Senator Poage moved to suspend the constitutional rule relating to the time for introduction of bills.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 522.

By Senator Poage:

S. B. No. 522, A bill to be entitled "An Act abolishing the 87th Judicial District of Texas, composed of Limestone and Freestone Counties; validating and continuing all causes, processes, writs, bonds and recognizances and making them pending, answerable and returnable and valid

in the 77th Judicial District Court respectively; providing that this Act shall become effective on and after January 1, 1937, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

S. J. R. No. 28.

Senator Neal sent up the following joint resolution:

S. J. R. No. 28, Proposing amendments to Article 3 of the Constitution of the State of Texas by adding to Section 48 thereof a provision authorizing the levying of taxes for State highway purposes, and by adding to Section 49 of said Article 3 a provision enabling the Legislature to provide for the extension of the credit of the State for the purpose of purchasing, exchanging, refunding, assuming and/or discharging obligations at not exceeding par and accrued interest (not in default) made by counties and defined road districts in the construction of a system of State highways by means of a tax on gasoline and all other motor fuels or other sources of motor power. And applying one-fourth of the tax on the business of selling gasoline, or other motor fuels to the Public Free School Fund and levying 1 cent per gallon, or so much thereof as may be necessary, on gasoline or other motor fuel or the equivalent thereof on other sources of motor power; and in case present tax is raised then not exceeding 25 per cent of such raise for the purpose herein set forth, and providing that no lien shall ever be created against real or personal property for the purpose of paying the principal, or interest, of any bonds issued for such purposes, and providing that the interest on said bonds shall not exceed four and one-half per cent per annum.

NEAL,
DAVIS.

Read and referred to the Committee on Constitutional Amendments.

Senate Resolution No. 88.

Senator Woodruff sent up the following resolution:

Whereas, The Choir and String Ensemble of the College of Industrial Arts of Denton, under the di-

rection of Professor William E. Jones, will be in the capitol building at ten o'clock in the morning.

Whereas, Said Choir and Ensemble would find pleasure in visiting the Senate Chamber while in session, therefore, be it

Resolved that the said Choir and String Ensemble of the College of Industrial Arts be extended the privilege of the floor and be invited to sing at 10:05 o'clock today, April 26, 1935.

WOODRUFF.

Read and unanimously adopted.

At Ease.

The Senate stood at ease for thirty minutes to hear the Choir and String Ensemble of the College of Industrial Arts.

Called to Order.

The Senate was called to order at 10:35 o'clock a. m.

Senate Resolution No. 89.

Senator Shivers sent up the following resolution:

Whereas, For several years the United States Government has been interested in a Central Military Super Highway from Canada to the Gulf of Mexico; and

Whereas, President Roosevelt has stressed the need for such a highway from the standpoint of safety, as well as the necessity for commercial and military purposes; and

Whereas, The United States Government has enacted into law the \$4,880,000,000 Relief and Work Project Bill; and

Whereas, A vast amount of this money will be put into highway construction; and

Whereas, The proposed Central Military Super Highway will tend to bring closer the relationship between the North and South for commercial and other purposes; therefore, be it

Resolved by the Senate of the State of Texas, That His Excellency, the President of the United States, the Members of Congress and the United States Senate, to give consideration to the designation and allocation of funds to construct Highway 8, from Canada to the Gulf of Mexico; and be it further

Resolved, That a copy of this resolution be forwarded to His Excellency, Franklin D. Roosevelt, and to each member of the House and Senate from Texas of the Congress of the United States, in order that they be acquainted with the necessity of this much needed project.

SHIVERS.

Read and unanimously adopted.

Senate Resolution No. 90.

Senator Holbrook sent up the following resolution:

I move that the Secretary of the Senate purchase a suitable flower tribute to the lamented Judge and Mrs. Wm. Pierson, to be paid out of the Senate Contingent Fund.

HOLBROOK,
WOODRUFF.

Read and unanimously adopted.

Senate Bill No. 234.

Senator Duggan received unanimous consent to take up out of order S. B. No. 234.

The Chair laid before the Senate on its second reading the following bill:

By Senator Duggan:

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue Fund of the State of Texas for the State Department of Education for the balance of the fiscal year ending August 31, 1935; and declaring an emergency."

(With committee substitute.)

Senator Poage sent up the following amendment:

Amend S. B. No. 234 by striking out all of lines 59, 60 and 61 and by changing totals to conform.

POAGE.

Read and adopted.

Senator Redditt sent up the following amendment:

Amend S. B. No. 234 by adding a new item to pay expenses and per diem of members of the State Board of Education and for necessary help for investigation for the balance of the biennium (\$2500.00) Twenty-five Hundred Dollars or so much thereof as is necessary, and changing the totals to conform.

REDDITT.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 234 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 393.

Senator Stone received unanimous consent to take up out of regular order S. B. No. 393.

The Chair laid before the Senate on its second reading the following bill:

By Senator Shivers:

S. B. No. 393, A bill to be entitled "An Act making the appropriation out of the General Revenue of the State of Texas for the State Board of Water Engineers to pay the salary of two (2) assistant engineers for certain supplies, travel expenses and auto maintenance, and declaring an emergency."

Amend S. B. No. 393 by adding the following at the end of Section 1:

"That the following sums of money be and the same are hereby appropriated out of any money in the State Treasury to the credit of the General Revenue Fund of the State to provide for emergencies for the Texas Library and Historical Commission, State, Library, and to supplement appropriations heretofore made for the balance of the fiscal year ending August 31, 1935, for the purposes hereinafter stated, as follows to-wit:

Stationery, supplies, postage,	
express, freight, including	
drayage	\$ 1,000
Additional assistants as need-	
ed	\$ 100
Total	\$ 1,100

SHIVERS.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 393 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Isbell.
Davis.	Martin.
DeBerry.	Moore.
Duggan.	Neal.

Oneal.	Shivers.
Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed
passed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 238.

Senator Small called from the table the motion to reconsider the vote by which S. B. No. 238 finally passed.

Senator Neal withdrew his motion to reconsider the vote by which S. B. No. 238 finally passed.

House Bill No. 266.

Pending business was H. B. No. 266 and the pending amendment by Senator Poage.

Senate Bill No. 72.

Senator Burns received unanimous consent to suspend the regular order of business and moved to print on minority report S. B. No. 72 and spread the motion on the Journal.

Senate Bill No. 227.

Senator Davis moved that the Senate do concur in House amendments to S. B. No. 227.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Motion to Recess.

Senator Stone at 12:02 o'clock p. m. moved that the Senate recess until 2 o'clock p. m.

House Bill No. 472.

Senator Holbrook received unanimous consent to suspend the regular order of business and take up H. B. No. 472.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Thornton:

H. B. No. 472, A bill to be entitled "An Act to authorize the State Highway Commission of Texas to provide for the removal of bridges obstructing the construction of the Intra-coastal Waterway of Louisiana and Texas, and to replace same out of any funds available for that purpose, and declaring an emergency."

Motion to Lay on Table Subject to Call.

Senator Woodruff moved that the bill be laid on the table subject to call.

The motion prevailed by viva voce vote.

Senate Bill No. 36.

Senator Redditt moved that the Senate do not concur in House amendments to S. B. No. 36, and that a conference committee be appointed to adjust the differences between the two houses.

Conference Committee Appointed.

The Chair appointed the following conferees on part of the Senate on S. B. No. 36:

Senators Redditt, Stone, Woodruff, Holbrook and Duggan.

Motion to Recess.

Senator Pace moved to recess until 8 o'clock tonight.

The motion lost by viva voce vote.

Senator Woodruff moved that the Senate recess until 3 o'clock p. m.

The motion prevailed by viva voce vote.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess.

Point of "No Quorum."

Senator Woodruff raised a point of "no quorum."

The roll call disclosed a quorum.

House Bill No. 266.

The question recurred on the adoption of the amendment by Senator Poage.

Motion to Table.

Senator Van Zandt moved to table the amendment by Senator Poage.

The motion to table prevailed by the following vote:

Yeas—16.

Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Small.
Hopkins.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Rawlings.	Woodruff.

Nays—10.

Beck.	Isbell.
Burns.	Martin.
DeBerry.	Oneal.
Hill.	Poage.
Hornsby.	Westerfeld.

Absent.

Blackert. Holbrook.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senators Shivers (present), who would vote yea with Senator Pace (absent), who would vote nay.

Senator Hopkins sent up the following amendment:

41—Jour.

Amend Small substitute to H. B. No. 266, page 3, item (a) under subsection (d) of Section 2, to read as follows:

"(a) which produces natural gas not associated or blended with crude petroleum oil at the time of production."

HOPKINS.

Read and pending.

Senator Rawlings sent up the following amendment to the amendment.

Amend subdivision (e) of Section 2 so that when amended it will read as follows:

(e) The term "oil well" is any well which produces one barrel or more of crude petroleum oil or petroleum products of equal value to each 100,000 cubic feet of natural gas.

RAWLINGS.

Read.

Point of Order.

Senator Hopkins raised the point of order that the amendment by Senator Rawlings was not germane to the pending amendment.

The Chair sustained the point of order.

The question recurred on the adoption of the pending amendment by Senator Hopkins.

The amendment was adopted by the following vote:

Yeas—18.

Beck.	Redditt.
Burns.	Regan.
Cotten.	Sanderford.
Davis.	Shivers.
DeBerry.	Small.
Duggan.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Neal.	Woodruff.

Nays—8.

Collie.	Oneal.
Hill.	Poage.
Isbell.	Rawlings.
Moore.	Westerfeld.

Absent.

Blackert. Pace.
Holbrook.

(Pair Recorded.)

Senator Martin (present), who would vote nay with Senator Fellbaum (absent), who would vote yea.

Senator Rawlings sent up the following amendment.

Amend subdivision (e) of Section 2 so that when amended it will read as follows:

(e) The term "oil well" is any well which produces one barrel or more of crude petroleum oil or petroleum liquid to each 100,000 cubic feet of natural gas.

RAWLINGS.

Read.

Motion to Table.

Senator Hopkins moved to table the amendment by Senator Rawlings.

The motion to table prevailed by the following vote:

Yeas—12.

Beck.	Neal.
Collie.	Redditt.
Cotten.	Regan.
Duggan.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.

Nays—11.

Burns.	Rawlings.
DeBerry.	Sulak.
Hill.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent.

Davis.	Pace.
Oneal.	

Absent—Excused.

Fellbaum.

(Pairs Record.)

Senator Poage (present), who would vote yea, with Senator Holbrook (absent) who would vote nay.

Senator Sanderford (present), who would vote yea with Senator Blackert (absent), who would vote nay.

Amend the S. S. B. for H. B. No. 266 by adding the following section at page 6, line 26, immediately following Section 5, to-wit:

Sec. 5-A. In all "common reservoirs" embracing less than one hundred thousand acres in area, no petroleum liquid shall be produced at a ratio in excess of twenty-five thousand cubic feet of gas to one barrel or less of such petroleum liquid, unless such gas be utilized as prescribed herein for the use of "sweet" or "sour gas," whichever may be so produced, under allocations made by the commission. Nothing contained in this section shall prevent the commission from fixing a less ratio of natural gas to petroleum liquid

as above prescribed, if such less ratio will tend to prevent waste as defined by the Oil and Gas Conservation statutes of this State.

HOPKINS.

Read.

Senator Shivers sent up the following amendment:

Amend Hopkins amendment by adding at the end thereof the following:

"And nothing contained in this section shall effect the right of the commission to prescribe oil gas ratios for oil wells under the provisions of H. B. No. 782 enacted at the Regular Session of the Forty-fourth Legislature."

SHIVERS.

Read and adopted.

Senator Rawlings sent up the following amendment to the amendment as amended.

Amend by striking out the following words:

"embracing less than one hundred thousand acres in area."

RAWLINGS.

Read.

Motion to Table.

Senator Hopkins moved to table the amendment by Senator Rawlings.

The motion to table prevailed by the following vote:

Yeas—19.

Beck.	Neal.
Burns.	Oneal.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Woodruff.
Moore.	

Nays—7.

DeBerry.	Sulak.
Hill.	Van Zandt.
Martin.	Westerfeld.
Rawlings.	

Absent.

Blackert.	Pace.
-----------	-------

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Poage (present), who would vote nay with Senator Holbrook (absent), who would vote yea.

Motion to Table.

Senator Rawlings moved to table the amendment by Senator Hopkins as amended.

The motion to table prevailed by the following vote:

Yeas—14.

Beck.	Martin.
Collie.	Moore.
Davis.	Neal.
DeBerry.	Rawlings.
Hill.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.

Nays—11.

Burns.	Regan.
Cotten.	Sanderford.
Duggan.	Shivers.
Hopkins.	Stone.
Oneal.	Woodruff.
Redditt.	

Present—Not Voting.

Small.

Absent.

Blackert. Pace.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Poage (present), who would vote yea with Senator Holbrook (absent), who would vote nay.

Personal Privilege.

Senator Hopkins rose to a point of personal privilege.

Bills and Resolution Signed.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

S. B. No. 491.	S. B. No. 267.
S. B. No. 489.	H. B. No. 406.
S. B. No. 4.	S. B. No. 268.
S. B. No. 169.	S. B. No. 141.

S. B. No. 502.	H. B. No. 189.
S. B. No. 482.	S. B. No. 467.
S. B. No. 87.	H. C. R. No. 97.
H. B. No. 11.	

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 26, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 497, A bill to be entitled "An Act to provide that the District Attorney of the 12th Judicial District of Texas shall receive the same per diem for not to exceed 15 days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature as he receives now under the provisions of said acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said district attorney while in the performance of his official duties outside of the county of his residence, and declaring an emergency."

S. B. No. 388, A bill to be entitled "An Act amending Article 2742 of the Revised Civil Statutes, 1925, as amended by Acts of the Forty-first Legislature, First Called Session Chapter 47, relating to the transfer of territory by petition, and declaring an emergency."

(With amendments.)

H. B. No. 146, A bill to be entitled "An Act amending Article 1135, Title 28, of the Revised Civil Statutes of Texas, 1925, to provide that when a majority of the inhabitants, who are property owning, tax paying, qualified voters of any territory adjoining the limits of any town or village, incorporated hereunder, shall vote in favor of becoming a part of said town or village, any three of the said property owning, tax paying, qualified voters may make affidavit to such fact and file such affidavit with the mayor of said town or village, etc., and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act amending Article 974, Title 28, of the Revised Civil Statutes of

Texas, 1925, to provide in cases of annexation of territory to a city, that only property owning, tax paying, qualified voters who had the right to vote for members of the State Legislature of any territory adjoining the limits of said city shall have the right to vote in said cases of annexation, etc., and declaring an emergency."

H. B. No. 269, A bill to be entitled "An Act to fix the salaries of county commissioners in counties with a population of not less than 48,500 and not more than 49,000, according to the last Federal Census, and declaring an emergency."

H. B. No. 372, A bill to be entitled "An Act to amend Article 4875a-21, Revised Civil Statutes of 1925, to provide for an adequate and efficient method of examining local mutual aid associations organized and operating under Chapter 9a of the Revised Civil Statutes of 1925, and providing for an examination of said associations every two years or oftener, if deemed advisable, and giving the examiners appointed access to all books, accounts, and records of such association, and providing for the amount to be paid and assessed against each such association or company as compensation for the examiners and auditors for such work, and providing for the expenses incurred in connection therewith, and for a pro rata proportion of the salaries of the actuary, examination clerks, stenographers, and other employees employed in the insurance department in connection with said examination work, the same to be collected upon the bill presented by the Insurance Department and deposited in the State Treasury for the payment of the employees and examiners and the maintenance of the examination division, and declaring an emergency."

H. B. No. 443, A bill to be entitled "An Act to fix the salary and compensation of county commissioners in counties with a population of not less than 77,500, nor more than 77,776, according to the last preceding Federal census, and having an assessed valuation in excess of thirty-four million dollars (\$34,000,000), according to the last preceding tax roll, and declaring an emergency."

H. B. No. 963, A bill to be entitled "An Act to validate, ratify, approve,

confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than twenty-two thousand four hundred and fifty (22,450), and not more than twenty-two thousand, eight hundred fifty (22,850), according to the last preceding Federal census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action; etc., and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act to repeal H. B. No. 557, Acts of the Regular Session of the Forty-third Legislature, which provides for a closed season on quail in Archer County, for a period of three years, and prescribing a penalty for violation thereof, and declaring an emergency."

H. B. No. 968, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each county court at law, of Bexar County, Texas, civil and criminal, by the judge of each county court at law, of Bexar County, Texas; providing the qualifications; etc., and declaring an emergency."

H. B. No. 973, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, as heretofore amended, by taking Cherokee County from the Sixth Supreme Judicial District and placing said county within the Ninth Supreme Judicial District, etc., and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act amending Section or Subdivision 102 of Article 199 of the Revised Civil Statutes of Texas of 1925, as amended by the Forty-third Legislature, Regular Session, Chapter 253, page 885, and changing the times of holding the terms of court of the District Court of the One Hundred and Second Judicial District of Texas; etc., and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act amending Section or Subdivision 5 of Article 199 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 254, page 887, and changing the times of holding the terms of court

of the District Court of the Fifth Judicial District of Texas; etc., and declaring an emergency."

H. B. No. 591, A bill to be entitled "An Act providing for the sale of State property purchased from funds appropriated to the State Game, Fish and Oyster Commission; the manner therefor; the disposition to be made of the money from any such sale, and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act making applicable and available to school districts and municipal corporations which have power to levy and/or collect their own taxes all of the provisions of Title 122 of the Revised Civil Statutes of Texas, 1925, pertaining to the manner of assessment and collection of taxes and enforcement of collection of delinquent taxes, together with all liens, rights, and remedies therein given to the State and county, and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act amending Article 3902 of the Revised Civil Statutes of 1925, as amended by Chapter 214, Acts of the Regular Session of the Forty-second Legislature, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, by adding a new section providing that in all counties having a population of less than twenty-five thousand (25,000) inhabitants, according to the last preceding Federal census, and having an assessed valuation of taxable property in excess of seventy-five million dollars (\$75,000,000), according to the last preceding tax roll approved as provided by law, and having two or more Judicial District Courts, the county commissioners' court may allow the district clerk at least two deputies to wait on said courts, etc., and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act amending Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1930, Forty-first Legislature, Fourth Called Session, page 30, Chapter 20; as amended by Acts of 1931, Forty-second Legislature, page 822, Chapter 340; as amended by Acts of 1933, Forty-third Legislature, page 734, Chapter 220, Section 1, and as further amended by Acts of 1934, Forty-third Legislature, Second Called Session, page 123, Chapter 58, Section

1, by adding thereto a new subsection to be known as Subsection 2a, and amending Article 3902, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, Forty-first Legislature, First Called Session, page 225, Chapter 92, as amended by Acts of 1931, Forty-second Legislature, page 364, Chapter 214, as amended by Acts of 1933, Forty-third Legislature, page 734, Chapter 220, Section 3, and as further amended by Acts of 1934, Forty-third Legislature, Second Called Session, page 123, Chapter 59, Section 2, by adding thereto a new subsection to be known as Subsection 2a; fixing compensation and excess fees for district attorneys, criminal district attorneys and their assistants in certain counties; providing the manner in which same may be paid, and declaring an emergency."

H. B. No. 907, A bill to be entitled "An Act amending Article 637 of the Penal Code of Texas (1925), by adding thereto another section, to be known as Section 2, which provides that if upon a hearing the justice of the peace, county judge, or district judge before whom the cause is pending finds that the property seized or any portion thereof is used as equipment or paraphernalia for a gambling house and was being used for gaming purposes and that said property is useful and valuable and can be used for legal purposes, he may, in his discretion, by order of the court, declare the same confiscated, and cause the same to be delivered to the State of Texas, or to any political subdivision thereof, or to any State institution for its use and benefit, etc., and declaring an emergency."

H. B. No. 922, A bill to be entitled "An Act to better secure the public revenue by providing that the tax liens provided by the Constitution and statutes of the State to secure ad valorem taxes on oil, gas, or other minerals in place, or upon any leasehold interest therein and/or on any personal property or equipment used in connection therewith, shall, after taxes thereon become delinquent, attach and extend to all wells, personal property and equipment located on said land, as well as the minerals in place, and to the mineral estate owner's share of such minerals after severance from the land, and to proceeds of sale of such minerals, and

providing that such lien shall be paramount to all other rights and liens, etc., and declaring an emergency."

H. B. No. 925, A bill to be entitled "An Act amending Article 4631, Revised Civil Statutes of the State of Texas, 1925, relating to the residence of plaintiff in suits for divorce, and declaring an emergency."

H. B. No. 938, A bill to be entitled "An Act authorizing county attorneys in counties of not less than 30,000 nor more than 50,000 inhabitants to appoint a stenographer, upon application to the commissioners court for authority; providing maximum compensation to be paid such stenographer; providing such compensation shall be paid out of fees of office of such county attorneys, and declaring an emergency."

H. B. No. 941, A bill to be entitled "An Act to safeguard the public in the purchase of high grade plant and nursery stock, true to name; further defining the duties of the State Seed and Plant Board; establishing a system of registration and certification for agricultural plants and nursery stock, etc., and declaring an emergency."

H. B. No. 945, A bill to be entitled "An Act granting to John W. Goodrum of Guadalupe County, Texas, the right or permission to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act giving civil jurisdiction to the Criminal District Court of Dallas County and Criminal District Court No. 2 of Dallas County, of suits and causes in matters of divorce, dependent and delinquent children, adoption and habeas corpus in civil proceedings; providing for the transfer and trial of such causes and the duties of the officers of the court; etc., and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than thirteen thousand, six hundred and thirty-six (13,636) inhabitants nor more than thirteen thousand, six hundred and fifty (13,650) inhabitants according to the last Federal Census, and counties having a population with not less than seventeen thousand, five hundred and fifty-four (17,554) inhabitants, nor

more than seventeen thousand, six hundred (17,600) inhabitants according to the last Federal Census as to population, and providing for the manner of the payment of the salaries and the fund from which said salaries shall be paid, and repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 891, A bill to be entitled "An Act authorizing the appointment of assistant county attorneys in counties containing a population of more than forty thousand (40,000) and less than seventy-five thousand (75,000), and containing a city of more than thirty-five thousand (35,000), such assistants to be compensated by the county, and providing for the compensation of such assistants, and the means, method and manner of paying the same, and declaring an emergency."

H. B. No. 893, A bill to be entitled "An Act to amend Chapter 1, Title 61, Revised Civil Statutes of 1925, providing for the appointment of deputy district clerks in any county having a population of more than one hundred thirty-two thousand (132,000) and less than one hundred fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and in which there are more than one district court, including a criminal district court, etc., and declaring an emergency."

H. B. No. 896, A bill to be entitled "An Act authorizing depositories of public funds, now authorized by law to pledge securities in lieu of personal or surety depository bonds, to pledge Home Owners' Loan Corporation bonds as such security; providing this Act shall be cumulative and in addition to all existing laws relating to depository bonds, and declaring an emergency."

H. B. No. 900, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711-a,' providing that upon application of ten or more resident citizens of the Counties of Leon, Madison, or Cherokee, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line,

or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes, or bays in the Counties of Leon, Madison, or Cherokee, etc., and declaring an emergency."

H. B. No. 902, A bill to be entitled "An Act amending Article 1058 under Title 15 of the Code of Criminal Procedure, Revised Statutes of 1925, et seq.; increasing the salaries of bailiffs or deputy sheriffs in certain counties for service as grand jury bailiff or as deputy sheriff, etc., and declaring an emergency."

H. B. No. 812, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State in all counties having an area of not more than one thousand and seventy (1,070) square miles and not less than one thousand and sixty (1,060) square miles, and a population of not less than sixty thousand (60,000) and not more than sixty-one thousand (61,000), according to the last Federal Census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts, etc., and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act amending Article 7725, Revised Statutes of the State of Texas, 1925, by adding thereto Section 7725-a; providing a method by which water improvement districts, upon their dissolution, shall pay their indebtedness by having same prorated against the lands lying within such districts in accordance with the assessed valuations of such lands on the county tax rolls for the preceding year, etc., and declaring an emergency."

H. B. No. 835, A bill to be entitled "An Act amending Article 7260, Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 845, A bill to be entitled "An Act to prohibit the sale or offering for sale, or the buying of any bass, crappie, perch or catfish, or any other fish taken from the fresh waters of Guadalupe County, and to prohibit the use of net or seine, except a net not exceeding ten feet in length for the purpose of catching minnows for bait, in said county, limiting the size and number of fish which may be taken from the waters of Guadalupe County; prescribing a penalty; re-

pealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 873, A bill to be entitled "An Act for the purpose of prohibiting the dredging of oysters in the headwaters of Matagorda Bay east of a line from Palacios Point on the mainland in Matagorda County across Matagorda Bay to Cotton Bayou on the Matagorda peninsula; providing a penalty, and declaring an emergency."

H. B. No. 874, A bill to be entitled "An Act to create a more efficient road law for Lee County, providing for the payment of a tax of \$2.50 by all persons in said county, subject to road duty under the General Laws, or the performance of certain manual labor on the roads, in the discharge of said road duty; etc., and declaring an emergency."

H. B. No. 885, A bill to be entitled "An Act authorizing Real County to issue certain warrants or other evidences of indebtedness and to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41 in the County of Real; etc., and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act amending Article 3886 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, of the General Laws of the Regular Session of the Forty-third Legislature, by adding thereto a separate article to be known as Article 3886e, making adequate provision for compensation of a court reporter to be appointed by the criminal district attorney in any county having a population in excess of one hundred and fifty thousand (150,000) and less than three hundred and fifty-five (355,000) inhabitants, according to the last preceding Federal Census, and which alone constitutes two or more judicial districts, etc., and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act to fix the salaries and compensations of county commissioners in counties with a population of not less than 17,000, and not more than 17,100 population, according to the last Federal Census, and declaring an emergency."

H. B. No. 711, A bill to be entitled "An Act exempting the State of Texas, any county in the State, any State Department, or the head of any

State Department and corporations created, and/or to be created, by or under authority of any Act of Congress of the United States of America as a National relief organization from giving security for costs or the posting of bond or bonds in securing any extraordinary writs in any action brought in their official capacity in the courts of this State; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 726, A bill to be entitled "An Act providing for the appointment of grand jury bailiffs in counties having a population in excess of three hundred and twenty-five thousand (325,000) inhabitants and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding or any subsequent Federal Census, etc., and declaring an emergency."

H. B. No. 732, A bill to be entitled "An Act amending Section 14, Acts 1927, Fortieth Legislature, First Called Session, page 116, Chapter 41, as amended by Acts of 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, Section 3, by adding thereto a new Subsection (26), and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act granting Mrs. Harriet B. Hagy, a feme sole, and Miss Geraldine Hagy, a feme sole, permission to bring suit against the State of Texas in the District Court of Collin County, Texas, for damages in the sum of \$950, alleged to have been sustained by reason of the relocation of State Highway No. 6 through their property located in Collin County, Texas, etc., and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act relating to commercial vehicles, trucks, busses, or any vehicles which are designed or used for the purpose of lifting or towing wrecked cars, carrying flares so as to extend greater safety upon our highways showing the operation of same, providing a penalty therefor, and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act amending Article 2094, Chapter 7, Title 42, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, Forty-first Legislature, page 89, Chapter 43, Section 1, providing for jury wheel system of selecting jurors in certain counties

having a population of at least fifty-eight thousand inhabitants or having therein a city having population of at least twenty thousand, as shown by the preceding Federal Census; prescribing duties of the tax collector, tax assessor, sheriff, county clerk, and district clerk in regard thereto; provided in discretion of commissioners court in all counties having population of at least twenty-four thousand inhabitants jury wheel system of selecting jurors may be adopted, and declaring an emergency."

H. B. No. 566, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, or which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city commission, or other governing body of such incorporated city or town has acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, etc., and declaring an emergency."

H. B. No. 783, A bill to be entitled "An Act amending Article 7924 of Chapter 4 of the Revised Civil Statutes of 1925, enlarging the powers of eminent domain of fresh water supply districts so as to enable them to use existing pipe lines, upon the payment of fair and just compensation, where such use will not impair the supply or service of the owner; and declaring an emergency."

H. B. No. 897, A bill to be entitled "An Act to amend Section 5 of Chapter 271, Acts of the Regular Session of the Forty-second Legislature, which is Article 5421-c, Revised Civil Statutes, providing for the sale of public free school lands under preference right to include a provision providing for the purchase of lands surveyed under Article 5323, Revised Statutes, 1925, in cases where the field notes have been filed in the General Land Office and approved, but the applicant has failed to file his application to purchase within the time prescribed by law;

and authorizing a revaluation of such areas, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 26, 1935.

Hon. Ken M. Regan, President Pro
Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 84, A bill to be entitled "An Act amending Article 7047 of the Revised Civil Statutes, 1925, by repealing House Bill No. 102, as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929; and repealing Senate Bill No. 127, 'Regulating and providing for supervision of emigrant agents,' passed by the Forty-first Legislature, Second Called Session, 1929, and effective without the Governor's signature, and declaring an emergency."

H. B. No. 558, A bill to be entitled "An Act to establish and maintain a livestock and poultry agricultural experiment station in the piney woods region of Southeast Texas, in one of the following counties: Liberty, Orange, Hardin, Newton, Jasper, or Tyler; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board of directors to establish and maintain the same, to accept not less than two hundred acres of land as a donation for said experimental station, and to accept money or anything of value for the establishment and maintenance of said station, and declaring an emergency."

The House has adopted the following resolution:

H. C. R. No. 99 recalling H. B. No. 257 from the Governor's office for further consideration.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Referred.

H. B. No. 823 was referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 812 was referred to the Committee on Education.

H. B. No. 796 was referred to the Committee on Highways and Motor Traffic.

H. B. No. 735 was referred to the Committee on State Affairs.

H. B. No. 732 was referred to the Committee on Public Health.

H. B. No. 726 was referred to the Committee on Civil Jurisprudence.

H. B. No. 711 was referred to the Committee on Civil Jurisprudence.

H. B. No. 709 was referred to the Committee on State Affairs.

H. B. No. 705 was referred to the Committee on Towns and City Corporations.

H. B. No. 694 was referred to the Committee on State Affairs.

H. B. No. 146 was referred to the Committee on Towns and City Corporations.

H. B. No. 670 was referred to the Committee on State Affairs.

H. B. No. 666 was referred to the Committee on Towns and City Corporations.

H. B. No. 591 was referred to the Committee on State Affairs.

H. B. No. 443 was referred to the Committee on State Affairs.

H. B. No. 372 was referred to the Committee on Insurance.

H. B. No. 269 was referred to the Committee on State Affairs.

H. B. No. 147 was referred to the Committee on Towns and City Corporations.

H. B. No. 566 was referred to the Committee on Towns and City Corporations.

H. B. No. 783 was referred to the Committee on Civil Jurisprudence.

H. B. No. 897 was referred to the Committee on Public Lands.

H. B. No. 420 was referred to the Committee on Civil Jurisprudence.

H. B. No. 976 was referred to the Committee on Judicial Districts.

H. B. No. 975 was referred to the Committee on Judicial Districts.

H. B. No. 973 was referred to the Committee on Judicial Districts.

H. B. No. 968 was referred to the Committee on Civil Jurisprudence.

H. B. No. 967 was referred to the Committee on Game and Fish.

H. B. No. 963 was referred to the Committee on Educational Affairs.

H. B. No. 959 was referred to

the Committee on Civil Jurisprudence.

H. B. No. 945 was referred to the Committee on State Affairs.

H. B. No. 941 was referred to the Committee on Agriculture.

H. B. No. 938 was referred to the Committee on State Affairs.

H. B. No. 925 was referred to the Committee on Civil Jurisprudence.

H. B. No. 922 was referred to the Committee on State Affairs.

H. B. No. 907 was referred to the Committee on Criminal Jurisprudence.

H. B. No. 902 was referred to the Committee on State Affairs.

H. B. No. 900 was referred to the Committee on Highways and Motor Traffic.

H. B. No. 896 was referred to the Committee on Banking.

H. B. No. 893 was referred to the Committee on State Affairs.

H. B. No. 891 was referred to the Committee on State Affairs.

H. B. No. 889 was referred to the Committee on State Affairs.

H. B. No. 885 was referred to the Committee on Highways and Motor Traffic.

H. B. No. 874 was referred to the Committee on Highways and Motor Traffic.

H. B. No. 873 was referred to the Committee on Game and Fish.

H. B. No. 845 was referred to the Committee on Game and Fish.

H. B. No. 835 was referred to the Committee on Civil Jurisprudence.

H. B. No. 84 was referred to the Committee on State Affairs.

H. B. No. 558 was referred to the Committee on Stock and Stock Raising.

House Bill No. 266.

Amend C. S. for H. B. No. 266 by adding a new subsection under Section 3 to be designated (n), and to read as follows:

"(n) The transportation of natural gas in a pipe line for a distance in excess of twenty-five (25) miles without extracting the natural gasoline from such gas."

HILL.

Read and pending.

Senator Woodruff asked unanimous consent to have all proposed

amendments to H. B. No. 266 laid on the Secretary's desk with the understanding that they would be pending and the debate limited to five minutes on each.

Motion to Order Previous Question.

Senator Woodruff moved that the previous question be ordered on the pending amendments and the final passage of the bill.

The motion was seconded.

Previous Question.

The motion prevailed by the following vote:

Yeas—12.

Beck.	Neal.
Davis.	Regan.
Duggan.	Sanderford.
Hornsby.	Small.
Isbell.	Van Zandt.
Moore.	Woodruff.

Nays—11.

Burns.	Rawlings.
Cotten.	Redditt.
Hill.	Shivers.
Martin.	Stone.
Oneal.	Sulak.
Poage.	

Present—Not Voting.

DeBerry.

Absent.

Blackert.	Hopkins.
Collie.	Pace.
Holbrook.	Westerfeld.

Absent—Excused.

Fellbaum.

Point of Order.

Senator Poage raised the Point of Order that the previous question could be placed only on the pending amendment and the bill.

The Chair overruled the Point of Order, stating that the Senate had unanimously agreed to the arrangement.

Motion to Recess.

Senator Duggan, at 6:10 o'clock p. m., moved that the Senate recess until 8 o'clock tonight.

Senator Sanderford moved that the Senate recess until 10 o'clock a. m., Monday.

The motion to recess until Monday lost by the following vote:

Yeas—4.

Hill.	Regan.
Rawlings.	Sanderford.

Nays—20.

Beck.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Shivers.
Duggan.	Small.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Woodruff.

Absent.

Blackert.	Pace.
Holbrook.	Stone.
Hopkins.	Westerfeld.

Absent—Excused.

Fellbaum.

Recess.

The motion to recess until 8 o'clock tonight prevailed by the following vote:

Yeas—17.

Beck.	Neal.
Burns.	Oneal.
Cotten.	Poage.
Davis.	Shivers.
DeBerry.	Small.
Duggan.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	

Nays—8.

Collie.	Redditt.
Hill.	Regan.
Hornsby.	Sanderford.
Rawlings.	Woodruff.

Absent.

Blackert.	Pace.
Holbrook.	Westerfeld.
Hopkins.	

Absent—Excused.

Fellbaum.

After Recess.

The Senate met at 8 o'clock p. m., pursuant to recess and was called to

order by President Pro Tem. K. M. Regan.

At Ease.

On motion of Senator Davis, the Senate stood at ease ten minutes.

House Bill No. 405.

Senator Burns received unanimous consent to suspend the regular order of business and take up H. B. No. 405.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Palmer:

H. B. No. 405, A bill to be entitled "An Act providing for a closed season on the killing or possessing of squirrels in the counties of Leon and Madison from the first day of January of each year, through, and including the fifteenth day of May of each year, and during the months of August and September of each year, etc., and declaring an emergency."

Senator Burns sent up the following amendment:

Amend H. B. No. 405 by adding San Jacinto County.

BURNS.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The amendment was adopted.

The bill was read second time as amended, and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 405 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Holbrook.
Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Holbrook.
Fellbaum. Hopkins.

Senate Bill No. 56.

Senator Neal received unanimous
consent to suspend the regular or-
der of business and take up S. B.
No. 56.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Neal:

S. B. No. 56, A bill to be entitled
"An Act to amend Article 117, Chap-
ter 6, Revised Civil Statutes of 1925,
so as to eliminate compulsory inspec-
tion of fruits other than citrus, and
vegetables other than potatoes; pro-
viding for the adoption of the
United States grades for certain
fruits and vegetables, and the pro-
mulgation of additional grades giv-
ing the Commissioner of Agriculture
authority to enter into co-operative
agreements with the United States
Department of Agriculture; and to
issue certificates of inspection under
said co-operative agreements; and
making said certificates of inspec-
tion issued by the Commissioner of
Agriculture under said co-operative
agreements acceptable as prima facie
evidence of the true grade, pack, or
other requirements or classifications
of such fruits and vegetables in any
court of this State, and declaring an
emergency."

The committee report recommend-
ing that the bill be printed was
adopted by unanimous consent.

The bill was read second time and
passed to engrossment.

On motion of Senator Neal the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 56 was put
on its third reading and final pas-
sage by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Holbrook.
Fellbaum. Hopkins.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Holbrook.
Fellbaum. Hopkins.

Point of Order.

Senator Poage raised the Point of
Order that the Senate was operating
under the previous question and
nothing else could be considered.

The Chair sustained the Point of
Order.

Motion to Reconsider.

Senator Davis moved to reconsider the vote by which the previous question was ordered.

The motion prevailed by viva voce vote.

The question recurred on the motion to order the previous question. Motion pending.

House Bill No. 266.

Pending business was the pending amendment by Senator Hill to which he had unanimous consent to add the following:

"Provided that in all cases where the amount of gas moving through a pipeline is insufficient to justify the economical operation of a stripping plant the Railroad Commission of Texas may in its discretion and after hearing, authorize the operation of such pipeline without complying with the foregoing requirements."

HILL.

Read and pending.

Points of Order.

Senator Moore raised the point of order that the matter pending was discriminatory and is a violation of Constitution of the State of Texas and the United States in that it seeks to set up an unreasonable classification.

The Chair overruled the point of order.

Senator Woodruff raised the Point of Order that the matter pending was whether the previous question should be ordered, as the motion to reconsider had prevailed.

The Chair sustained the Point of Order.

The question recurred on the pending motion to order the previous question on the pending amendments and final passage of H. B. No. 266.

The motion lost by the following vote:

Yeas—9.

Beck.	Moore.
Collie.	Neal.
Davis.	Regan.
Hornsby.	Woodruff.
Isbell.	

Nays—12.

Burns.	Rawlings.
Cotten.	Redditt.
Hill.	Shivers.
Martin.	Stone.
Oneal.	Sulak.
Poage.	Van Zandt.

Present—Not Voting.

DeBerry.	Small.
Pace.	

Absent.

Duggan.	Westerfeld.
Sanderford.	

Absent—Excused.

Blackert.	Holbrook.
Fellbaum.	Hopkins.

Point of Order.

Senator Hornsby raised the point of order that the rules of the Senate were not being enforced.

The Chair sustained the point of order.

Motion to Table.

Senator Moore moved to table the amendment by Senator Hill.

The motion to table prevailed by the following vote:

Yeas—16.

Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Shivers.
Duggan.	Small.
Hornsby.	Stone.
Moore.	Van Zandt.
Neal.	Woodruff.

Nays—8.

Beck.	Martin.
DeBerry.	Oneal.
Hill.	Poage.
Isbell.	Sulak.

Absent.

Pace.	Westerfeld.
Sanderford.	

Absent—Excused.

Blackert.	Holbrook.
Fellbaum.	Hopkins.

Senator Burns sent up the following amendments:

Amend C. S. H. B. No. 266, page 14, line 30, after the word repealed, by striking out all the balance of said Section 25.

BURNS.

Read.

Motion to Table.

Senator Hornsby moved to table the amendment.

The motion prevailed by the following vote:

Yeas—18.

Beck.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Isbell.	Small.
Moore.	Stone.
Neal.	Van Zandt.
Oneal.	Woodruff.

Nays—6.

Burns.	Martin.
Collie.	Shivers.
Hill.	Sulak.

Absent.

Cotten.	Westerfeld.
Sanderford.	

Absent—Excused.

Blackert.	Holbrook.
Fellbaum.	Hopkins.

Amend C. S. H. B. No. 266, page 14, section 23, line 16, by adding after the word "attorney," the following, "when joined by the Attorney General of Texas."

BURNS.

Read and adopted.

Amend C. S., H. B. No. 266, page 13, by striking out all of Section 21.

BURNS.

Read.

Motion to Table.

Senator Hornsby moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—18.

Beck.	Hornsby.
Davis.	Isbell.
DeBerry.	Moore.
Duggan.	Neal.

Oneal.	Shivers.
Poage.	Small.
Rawlings.	Stone.
Redditt.	Van Zandt.
Regan.	Woodruff.

Nays—6.

Burns.	Martin.
Collie.	Pace.
Hill.	Sulak.

Absent—Excused.

Blackert.	Hopkins.
Cotten.	Sanderford.
Fellbaum.	Westerfeld.
Holbrook.	

Motion to Order the Previous Question.

Senator DeBerry moved that the previous question be ordered on the pending amendments and the engrossment of the bill.

The motion was seconded.

The motion prevailed by viva voce vote.

Senator Rawlings sent up the following amendment:

Amend subdivision (e) of Section 7 so that as amended the same shall read as follows:

(e) The extraction of natural gasoline therefrom when the residue is returned to the horizon from which it is produced; provided that wells producing one barrel of petroleum products to 100,000 cubic feet of gas shall be considered an oil well as herein defined.

RAWLINGS.

Read.

Points of Order.

Senator Redditt raised the point of order that the amendment was the same as had previously been offered and tabled.

Overruled.

Senator Hornsby raised the point of order that the Senate was operating under the previous question and that the Senator from Hill was out of order.

Sustained.

The amendment by Senator Rawlings lost by the following vote:

Yeas—4.

Hill.	Rawlings.
Pace.	Sulak.

Nays—15.

Beck.	Oneal.
Collie.	Redditt.
Davis.	Regan.
DeBerry.	Shivers.
Duggan.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Neal.	

Absent.

Burns.	Westerfeld.
Sanderford.	

Absent—Excused.

Cotten.

(Pairs Recorded.)

Senator Martin (present), who would vote yea with Senator Fellbaum (absent), who would vote nay.

Senator Moore (present), who would vote yea with Senator Hopkins (absent), who would vote nay.

Senator Poage (present), who would vote nay with Senator Holbrook (absent), who would vote yea.

Senator Woodruff (present), who would vote nay with Senator Blackert (absent), who would vote yea.

Senator Hornsby sent up the following amendment:

Amend Committee Substitute to House Bill No. 266, Section 19, page 13, line 4, after the word "reservoir" to include the following:

"Provided, however, that all the acreage in each zone that is underlaid with natural gas shall be considered in making such allocation."

HORNSBY.

Read.

The amendment failed of adoption by the following vote:

Yeas—3.

Hornsby.	Rawlings.
Martin.	

Nays—20.

Beck.	Hill.
Collie.	Isbell.
Davis.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.

Pace.
Poage.
Redditt.
Regan.
Shivers.

Small.
Stone.
Sulak.
Van Zandt.
Woodruff.

Absent.

Burns.

Absent—Excused.

Blackert.	Hopkins.
Cotten.	Sanderford.
Fellbaum.	Westerfeld.
Holbrook.	

Senator Redditt sent up the following amendment:

Amend C. S. to House Bill No. 266 by striking out sub-section (j) of Section 3, and lettering the following subsections accordingly, and by adding a new section to be numbered Section 7a, as follows:

"Section 7a. The prohibitions contained in subsection (1) (b) of Section 7 shall not apply to any carbon black plant constructed or under construction on the first day of April, 1935, where the capacity of such plant is in excess of the available supply of casinghead gas and/or sour gas, but any such plant may use any gas to supplement its supply to the capacity of such plant; provided that the withdrawals from gas wells shall not be in excess of the percentage fixed herein.

REDDITT.

Read.

The amendment failed of adoption by the following vote:

Yeas—8.

Burns.	Poage.
Cotten.	Redditt.
Hill.	Stone.
Martin.	Sulak.

Nays—17.

Beck.	Oneal.
Collie.	Pace.
Davis.	Rawlings.
DeBerry.	Regan.
Duggan.	Shivers.
Hornsby.	Small.
Isbell.	Van Zandt.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Sanderford.
Holbrook.	Westerfeld.

The bill was read second time and passed to third reading.

Senator Moore asked unanimous consent that the caption be amended to conform to the body of the bill. Senator Hill objected.

Point of Order.

Senator DeBerry raised the point of order that the previous question had been voted on and the bill had been voted on, on engrossment, and that the question was on the third reading of the bill.

Sustained.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 266 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Nays—1.

Hill.

Absent—Excused.

Blackert.	Holbrook.
Fellbaum.	Hopkins.

Senator Small moved to amend the caption to conform to the body of the bill.

The motion prevailed by two-thirds vote.

Read third time as amended and finally passed by the following vote:

Yeas—22.

Beck.	Collie.
Burns.	Cotten.

Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Isbell.	Shivers.
Moore.	Small.
Neal.	Stone.
Oneal.	Van Zandt.
Pace.	Woodruff.

Nays—1.

Hill.

Absent—Excused.

Blackert.	Hopkins.
Holbrook.	Sanderford.

(Pairs Recorded.)

Senator Sulak (present), who would vote yea with Senator Westerfeld (absent), who would vote nay.

Senator Martin (present), who would vote nay with Senator Fellbaum (absent), who would vote yea.

Motion to Reconsider.

Senator Van Zandt moved to reconsider the vote by which H. B. No. 266 was finally passed.

Motion to Table.

Senator Hornsby moved to table the motion to reconsider.

The motion prevailed by viva voce vote.

Motion to Adjourn.

Senator Collie at 11:20 o'clock p. m. moved that the Senate adjourn until 10 o'clock a. m. Monday.

The motion prevailed by viva voce vote.

APPENDIX.**Committee on Enrolled Bills.**

Committee Room,
Austin, Texas, April 25, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 467 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 268 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 141 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 502 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 4 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 169 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 482 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 87

carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 267 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 24, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 491 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 489 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 68, A bill to be entitled "An Act authorizing counties, districts, cities or towns, or other municipalities or defined subdivisions of this State, to sell bonds or other securities, warrants, notes, obligations, or other evidence of indebtedness of any other county, district, city, town or other municipality or defined subdivision of this State, to the Reconstruction Finance Corporation, or any other agency or department of the Federal Government, at such a price, whether or not less than the par value or face amount thereof, as shall seem to the governing body of the seller to be reasonable and for the best interests of the seller; repealing laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, April 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 846, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkey in Palo Pinto and Stephens Counties for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 26, 1935.

Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 749, A bill to be entitled "An Act amending Section 1, Section 2, Section 4, Section 5, etc., H. B. 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature; fixing the venue of any suit, injunction or criminal prosecution under this Act; providing that whoever knowingly shall transport any motor fuel, casing-head gasoline, drip gasoline, or natural gasoline without possessing or exhibiting on demand a manifest therefor, or whoever shall refuse to surrender his truck and cargo for impoundment when ordered to do so by proper persons, etc., shall be guilty of a felony punishable by confinement in the State Penitentiary, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 26, 1935.

Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 755, A bill to be entitled "An Act defining certain words, terms, phrases; imposing an occupation or excise tax on first sale of cigarettes according to weight with certain exception; providing payment of tax shall be evidenced by stamps affixed to each individual package, said stamps to be purchased in unbroken sheets of one hundred (100) stamps only from Treasurer, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by amendments Nos. 1-7, inclusive, and be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 755, page 22, line 7 of the engrossed copy, by adding a new sentence to read as follows:

"Provided, however, that any distributor manufacturing, importing, or acquiring in any other manner, cigarettes for his own personal use or consumption and not to be disposed of by sale, gift, or otherwise shall not be required to obtain a distributor's permit but shall be required to comply with all other provisions of this Act affecting a distributor; provided, further, that the Treasurer shall be authorized to sell stamps to such distributors acquiring cigarettes for their own personal use or consumption and not for sale or other disposal, in lesser quantities than unbroken sheets of one hundred (100) stamps."

Committee Amendment No. 2.

Amend H. B. No. 755, page 35, line 24 of the engrossed copy, by inserting between the words "orders," and "bills" the word "invoices."

Committee Amendment No. 3.

Amend H. B. No. 755, page 42 of the engrossed copy, by striking out all of the last paragraph.

Committee Amendment No. 4.

Amend H. B. No. 755, page 44,

line 20 of the engrossed copy, by striking out the words and figures "for ten (10) days."

Committee Amendment No. 5.

Amend H. B. No. 755, page 45, line 17 of the engrossed copy, by inserting between the words "publication" and "in" the words "two times."

Committee Amendment No. 6.

Amend H. B. No. 755, page 46, line 8 of the engrossed copy, by inserting between the words "offense" and "under" the word "committed."

Committee Amendment No. 7.

Amend H. B. No. 755, page 52 of the engrossed copy, by striking out all of Section 31 and inserting in lieu thereof the following:

"Sec. 31. That three per cent (3%) of the gross amount of taxes, permit and license fees and other funds derived under the provisions of this Act shall be set aside in a special fund subject to the use of the Comptroller and so much of said fund as may be necessary shall be expended in the administration and enforcement of the provisions of this Act and so much of said proceeds of three per cent (3%) of said tax and funds shall be and the same is hereby appropriated for said purposes, same to be paid monthly as needed; provided that payment for the manufacturing or printing of the cigarette tax stamps and for any expenses incurred by the Board incident thereto shall be made from revenue derived from the cigarette tax before such fund is allocated under the provisions of this Act; any unexpended portion of said fund so specified shall at the end of each biennium be paid in the proper proportion to the funds to which the cigarette tax fund shall be apportioned.

"Providing that the Director of the Cigarette Tax Division shall, in addition to the duties of supervising and directing the administration and enforcement of the provisions of this Act, personally supervise the printing or manufacturing of all cigarette tax stamps and he shall have possession and custody of, and be responsible for, all specification plans, photographs, impressions, drawings, electrolates, printing stones and any

and all other property or equipment that may provide a means of reproducing, manufacturing or printing of cigarette tax stamps in the design selected by the Cigarette Tax Stamp Board. The said Director shall also be charged with the responsibility of inspecting the stamps after such stamps have been manufactured or printed and all sheets of stamps that do not meet the specifications required in the contract shall be rejected and destroyed by or under the direct personal supervision of said Director; and the Director shall have control of said stamps and be responsible therefor until delivery is made to the Treasurer.

"Provided that the salaries of the assistant director, auditors, accountants, investigators, tax supervisors, and other employees shall be at the prevailing rate paid for the service performed by the same class of employees in the motor fuel division of the Comptroller's Department."

Committee Room,

Austin, Texas, April 26, 1935.

Hon. Ken. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 521, A bill to be entitled "An Act providing that no person shall inherit or take any property either under the laws of descent and distribution or under a will or testament, who as the principal or as an accomplice wilfully brings about the death of the owner of such property and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Report.

Committee Room,

Austin, Texas, April 26, 1935.

Hon. Ken. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 395, A bill to be entitled "An Act amending Article 6674Q, Subsection 7, Revised Statutes of the State of Texas, enacted by the Third Called Session of the Forty-second Legislature, 1932, in Chap-

ter 13, as amended by the Acts of the Forty-third Legislature, 1933, of the State of Texas, Chapter 136, by further defining what road districts shall be eligible to the benefits provided for in said article, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

FIFTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
April 29, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Isbell.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senators Excused.

Senator Hopkins was excused for the day on account of important business on motion of Senator Rawlings.

Senator Small was excused on account of important business on motion of Senator Moore.

H. C. R. No. 99.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 99, recalling H. B. No. 257 from the Governor's office for further consideration.

Senator Hornsby moved that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 99 be taken up and considered at this time. The motion prevailed.

Senator Van Zandt asked unanimous consent that the resolution be amended so as to allow the Lieutenant Governor and Speaker of the House to erase their signatures.

Unanimous consent was granted. H. C. R. No. 99 was adopted by viva voce vote.

S. C. R. No. 44.

Senator Poage sent up the following resolutions:

Whereas, In the summer of 1932, Mrs. Rozella Graves, a feme sole, and Mrs. Alice Graves Tirey and husband, Frank B. Tirey, did grant to the State of Texas, through the State Highway Department of Texas, an easement through 155 acres of land situated in McLennan County, Texas, in the Thos. D. LaVega Survey, for the construction of State Highway No. 6; and

Whereas, At the time of the granting of said easement by the said Rozella Graves, Alice Graves Tirey and Frank B. Tirey to said State Highway Department, it was definitely understood and agreed that the granting of said easement was based on the condition that the said State Highway Department would construct its road across and through said land in such manner as not to cause the waters of Tehuacana Creek or flood waters of said creek to concentrate and to flow over or change the course of such waters in such way as to injure said farm; and

Whereas, Said Highway Department did build, construct and supervise the building and construction of said new Highway No. 6 through said property which caused the waters that had heretofore in its nat-